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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,884	08/06/2003	Makoto Katase	109115.01	7542

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OLIFF & BERRIDGE PLC  
P.O. Box 19928  
Alexandria, VA 22320

EXAMINER

TRAN, TAM D

ART UNIT PAPER NUMBER

2628

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/634,884

Applicant(s)

KATASE, MAKOTO

Examiner

Tam D. Tran

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 7-22 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/6/05, 5/6/03  
4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 11/1/2005.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-22, are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwahara et al. (USPN 6486866 B1), hereinafter simply Kuwahara.

2. In regard to claims 7, 19, Kuwahara teaches an electrooptical device comprising: a plurality of pixel elements, wherein each of the pixel elements comprises an electrode, including an electrooptical layer being disposed between each electrode, see Fig. 18, 19, 20, col.1 lines 49-61, the electrooptical layer including a plurality of cells containing a dispersion medium, in which reflective and different colored electrophoretic particles are suspended, with a multicolor display being provided by driving the plurality of cells within each of the pixel elements. See col.3 lines 32-42 and col.3 lines 64-67; particles being colored a first color so as to reflect a color to be reached to a viewer, see Fig.3 and Fig.4; the dispersion medium included in each cell is colored so as to absorb a color of the particles included in the dispersion medium of each cell. See col.28 lines 39-43.

3. In regard to claims 8, 20, Kuwahara teaches an electrooptical device comprising: a plurality of pixel elements, wherein the cells have a cell of which particles are colored red, a cell of which particles are colored green, and a cell of which particles are colored blue. See col.3 lines 32-42.

4. In regard to claims 9, 22, Kuwahara teaches an electrooptical device comprising: a plurality of pixel elements, wherein the dispersion medium included in each cell is substantially colored black. col.3 lines 64-67.

5. In regard to claim 11, Kuwahara teaches an electrooptical device comprising: a plurality of pixel elements, wherein the dispersion medium included in each cell is colored so as to be complementary to the particles included in the dispersion medium of each cell. See col.7 lines 60-67.

6. In regard to claim 12, Kuwahara teaches an electrooptical device comprising: a plurality of pixel elements, wherein the particles included in each of the cells are of a single color. See col.3 lines 64-67.

7. In regard to claim 13, Kuwahara teaches an electrooptical device comprising an electrooptical layer between electrodes, wherein the electrooptical layer has a plurality of cells (micro-capsule) each including a dispersion medium and particles contained in the dispersion medium, and the plurality of cells form one pixel. See Fig.14, col. 30 lines 1-10.

8. In regard to claim 14, Kuwahara teaches an electrooptical device comprising an electrooptical layer between electrodes, wherein the particles are colored differently from each other between the cells. See col.30 lines 27-40.

9. In regard to claim 15, Kuwahara teaches an electrooptical device is incorporated as a display. See col.29, lines 55-60.

10. In regard to claim 16, Kuwahara teaches an electrooptical device comprising electrodes which sandwich a plurality of micro-capsules, wherein: each of the micro-capsule contains a dispersion medium and a first particle and a second particle, the first particles are colored a first color and the second particles are colored a second color, and the first color and the second color have a relationship that one is a complementary color of the other (the two-color balls have color difference if we compare hemisphere portion of one ball to hemisphere portion of another ball). See Fig. 1, col.11 lines 1-7

11. In regard to claim 17, Kuwahara teaches an electrooptical device comprising electrodes which sandwich a plurality of micro-capsules, wherein the first color is selected from a group including red, green and blue, and the second color is selected from a group including cyan, magenta and yellow. See col. 26 lines 35-54 and col.30 lines 26-40.

12. In regard to claim 18, Kuwahara teaches an electrooptical device comprising: a cell containing a plurality of microcapsules which contains a dispersion medium, a first particle with a first color and a second particle with a second color; and electrodes which sandwich the cell; wherein the first color and the second color have a relationship that one is a complementary color of the other (the two-color balls have color difference if we compare hemisphere portion of one ball to hemisphere portion of another ball). See Fig.1, col.11 lines 1-7.

13. In regard to claim 21, Kuwahara teaches an electrooptical device, the second color being selected from a group including cyan, magenta and yellow. See col.16 lines 60-65.

*Response to Arguments*

14. Applicant's arguments filed on 11/9/2005, have been fully considered but they are not persuasive.

Applicant argues that the prior art does not teach “ a user views the color of the particles”

However, examiner respectfully disagrees with the argument because Fig.3, Fig.4 and col.15 lines 35-50, Kuwahara teaches the dispersion medium is color less which mean that user is able to view two-color balls. On col.16 lines 45-50 and col.17 lines 10-20, Kuwahara teaches dispersion medium is color with red , blue and green which mean that user is able to view black and white colors of the two-color ball. For these reasons, the rejections are maintained.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tam D. Tran** whose telephone number is **571-272-7793**. The examiner can normally be reached on MON-FRI from 8:30 – 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kee M. Tung** can be reached on **571-272-7794**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tam Tran  
*TT*  
Examiner

Division 2628



**Kee M. Tung**  
**Primary Examiner**